

City Council Minutes
Tuesday, October 8, 2013
City Hall Auditorium
7:00 p.m.

1. **Call to Order @ 7:00 p.m.**
2. **Pledge of Allegiance led by Christian Scorzoni**
3. **Roll Call – Councilor Scorzoni, Councilor Gilday, Councilor Kelcourse, Councilor Kimball, Councilor Lavoie, Councilor McClure, Councilor Neale, Councilor Ferguson and Councilor McMilleon arrived at 7:05 p.m.**
4. **Act on minutes** – none at this time
5. **Mayoral Appointments –**
2013-104 – Cultural Council – John Grant (2015)
Mr. Grant was not present at the meeting so this agenda item was put aside to see if he showed up and he did not so no action was taken on this.
6. **Licenses & Permits –**
2013-090 General Business License – Mary Parisella, New Home Plots, 7 Pennycook Way.
Ms. Parisella stated that she is a subcontractor for a local Realty Company and by having this permit it will give her the capability of putting signage at the business location. Councilor Kelcourse moved to approve with usual stipulations; Councilor Kimball seconded and it was voted Unanimous.
2013-100 Common Victualler – Michelle Gaudette dba Ooh La La Sweets, 14 Cedar St. (Kitchen Local)
Michelle Gaudette stated that she will be baking pastries and cakes through Kitchen Local. Councilor Gilday moved to approve with usual stipulations; Councilor Kimball seconded and it was voted Unanimous.
2013-105 Common Victualler – Alison Darnell, Atlantic Salt Works, 14 Cedar St., (Kitchen Local)
Alison Darnell stated that she and her partner Heather Hern will be harvesting sea salts and turn it into flake finishing salt for food. Councilor Neale moved for approval with usual stipulations; Councilor McClure seconded and it was voted Unanimous.
2013-107 Common Victualler – Sean Ryan, Shindig LLP, 14 Cedar St., (Kitchen Local)
Sean Ryan stated that this is a catering operation for holding events in people's homes and would be working from Kitchen Local. Councilor Neale moved to approve with usual stipulations; Councilor McMilleon seconded and it was voted Unanimous.
2013-108 Common Victualler – James W. Conroy, Classic Hot Dog Co., 14 Cedar St., (Kitchen Local)
James Conroy stated that he has a Concessions Business and will be working out of Kitchen Local.

Councilor Neale moved for approval with usual stipulations; Councilor Kimball seconded and it was vote Unanimous.

2013-109 Common Victualler – Lauri Moore – Yule Brand, 14 Cedar St., (Kitchen Local)

Lauri Moore stated that she and her husband Tom are starting a small artisan candy company under the name Yule Brand which is toffee and nougat primarily and they will be working out of Kitchen Local.

Councilor Neale moved to approve with usual stipulations; Councilor McClure seconded and it was voted Unanimous.

Councilor Neale moved to accept a late file 2013-110. Councilor Gilday seconded and it was voted Unanimous.

2013-110 Common Victualler-Braden Monaco-Kaeli-O-Kookies, LLC, 14 Cedar St. (Kitchen Local)

Braden Monaco stated that he and his wife are trying to expand and they produce paleo inspired cookies. They are grain free, dairy free and soy free and they are delicious.

Councilor Lavoie moved to approve with usual stipulations; Councilor Gilday seconded and it was voted Unanimous.

7. Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2013-101 Warrant for November 5, 2013 Election

Councilor Gilday read the warrant into the record. Councilor Gilday moved to accept the election warrant. Councilor Neale seconded and it was voted Unanimous.

2013-102 Commemorative Naming Committee re: James L. Moore Compost Facility

Councilor Gilday read the bill into the record. Councilor Gilday moved to accept bill 2013-102; Councilor Neale seconded and it was voted Unanimous.

2013-103 Commemorative Naming Committee re: Goodwin's Corner

Councilor McMilleon read the bill into the record. Councilor McMilleon moved to accept bill 2013-103; Councilor Neale seconded and it was voted Unanimous.

Councilor Ferguson announced that the new playground renovations were done but would not be open to the public until October 11, 2013. She thanked all the volunteers for all the help.

2013-106 Public Notice for Upcoming Accreditation Assessment

Councilor Ferguson read the notice into the record

c. Council Communications, Announcements and Committee Reports

8. Public Comment

Jim Thivierge, 8 School St. stated that over the summer he had requested of the Executive Office for information of the local estimated revenues and have not received anything. He

stated that the current Mayor and the Candidate for Mayor do not have the background to run this community and the voters need to take this community back.

Claude Gonthier, 112 Kimball Rd stated that he has been asking for the details of the status of the public safety building bond authorization issues that began over three years ago and has now received it. It will essentially be a renovation and repair of the roof that had to be corrected. It has been three years and we have spent more money than we thought. He stated that he has requested a number of times that the Council form an independent Finance Committee to oversee this project and others. He stated that the Council lacks the capacity to oversee these projects. He feels that the Council feels that once they authorize something that their job ends and it is up to the other branch of government. That is not true you have to make sure the money is spent the way you thought it was going to be spent. This project has never been overseen at the Finance level to make sure that you were informed. You may have had one on one conversations with the Mayor on this and you knew that the Elm St. Station was going to be reactivated but there has been nothing mentioned at any public meetings. The people of Amesbury need to vote for anyone who is in favor of an independent Finance Committee.

Melissa LaChance, Director of Chamber of Commerce, stated that there would be a Mayoral debate on Wednesday evening at 7pm at the Amesbury High School.

Jenn Marr, 5 Tuxbury Ln., stated that she is an advocate for school funding in Amesbury and thanked the Council for the robust and healthy debate in the last budget cycle and for giving to the schools what they felt they could give given the status of the community and to remind them that parents are watching and listening to the debates and will support the candidates that they feel are supporting their children.

Public comment was closed at 7:38 pm.

9. Council Response to Public Comment – there was no comment.

10. Public Hearings

2013-085 An Ordinance to Request that the City Council vote to amend the Amesbury Zoning Bylaw (X.I. Q.) and the Overlay District Zoning Map

Summary: The City proposes to establish two new Smart Growth Overlay Districts. These Smart Growth Districts created pursuant to M.G.L. Chapter 40R allow mixed uses to revitalize dilapidated buildings and vacant parcels.

Councilor Gilday read a memo from Nipun Jain which stated that the Planning Board was unable to make a recommendation on this at this time and will continue 2013-085 and 2013-086 to the October 28, 2013 meeting.

2013-086 An Ordinance to Request the City Council to vote to amend the Amesbury Zoning Bylaw (V and VI)

Summary: The proposed zoning amendments would allow the City to make the existing dimensional controls more flexible and integrate the additional requirements within the

permit approval process through the Planning Board. It encourages the economic revitalization of existing historic structures and maximizes the potential of underutilized assets and infrastructure in the zoning districts.

Councilor Gilday moved to table 2013-085 and 2013-086 to the November City Council meeting. Councilor Neale seconded and it was voted Unanimous.

2013-088 An Order to require that the City Council vote to approve the grant of Quitclaim Deed to the Conservation Commission from Albert Coulliard and Roland A. Coulliard for parcel B located off Quimby Lane, Amesbury and to authorize the mayor to accept said gift of property.

Summary: This order will accept the Quitclaim deed from D.E.C.M. LLC for a parcel of land known as Parcel B, consisting of 641,571 square feet (14.7284 acres), more or less (the "Property"), on a plan of land entitled "Definitive Subdivision Plan for Quimby Lane located in Amesbury, MA." Dated November 15, 2010, prepared by Christiansen & Sergi, Inc., and recorded with the Essex South Registry of Deeds in Plan Book 429, Plan 16.

Councilor Neale read the Finance Committee recommendation into the record.

Councilor Lavoie read the Ordinance Committee recommendation into the record.

Councilor Ferguson opened the public hearing.

Meredith Nichols-Quimby Ln, spoke representing the residents of problems with the developer regarding trash pick-up/recycling and snow removal. In discussions with city officials, the city expects the developer to provide all the services as Quimby Ln is not yet an accepted road. According to city officials and subdivision bylaw 17.17 a street acceptance requires the road to season 1 winter before a road can be accepted and the road was just recently paved. We are told that the earliest this street can be accepted is the spring of 2014. There are some serious safety concerns involving the trash and recycling and having up to 26 containers at the intersection of Lions Mouth Rd and Quimby Ln. She passed out pictures of trash and recycling day at the intersection. She stated that in discussions with city officials the developer should have been providing this curb side pickup not the residents having to bring their containers to the end of the street. She is asking that this open space parcel be tabled tonight until the developer addresses and resolves these issues.

Councilor Gilday asked what the excuse is for not providing these services.

Ms. Nichols stated that he informed us that he would plow but the quality of the plowing is not good. He also informed us that if we were to have our trash and recycling picked up it was necessary for us to bring it to the corner of Quimby and Lions Mouth Rd. I was informed two weeks ago by the City Engineer, City Planner and DPW that the city expects the developer to provide that service curbside.

Councilor Scorzoni stated that there is a similar issue with Timber Ln. that has been going on for seven years and would like this to be addressed at the same time to get the same services.

Nipun Jain, the City Planner stated that Rob Desmarais is looking into addressing goals for providing city services.

Councilor McMilleon stated that services have been provided before to unaccepted streets; can't we get a recommendation from Counsel and approve it if Planning Board comes back and does not recommend it?

Mr. Jain stated that would be a question for legal counsel.

Councilor McMilleon asked if there was a problem with holding this up tonight.

Mr. Jain stated that there would be because this is a requirement under the Planning Board's Special Permit decision that this open space be granted and that would then allow the project to be considered complete. The Board agreed as soon as the developer had completed all required actions they would start working on the street acceptance process.

Councilor Neale asked if the only hold up is the one year waiting period; that all the specs have been submitted and it is built to our standards.

Mr. Jain stated that the road is built to spec and have been reviewed and deemed okay,

Councilor Neale stated that he sees this a more of a liability issue.

Joe Fahey stated that this is a unique situation. In this case the sub-base of roadway has been down a year but it is the top coat that was just put down a couple of months ago is the reason. He stated that Mr. Desmarais is working with the developer for some assurance that should there be an issue with the top coat, there would be reserve funds to address that.

Councilor McClure asked if we can get the residents the services they need without the acceptance of this road.

Mr. Fahey stated that the whole objective of the office is to bring this to closure prior to winter.

Councilor Lavoie stated that the open space benefits the entire community. He sees no need to put off a vote tonight.

Councilor Ferguson assured the residents of Quimby Ln. that they have been heard and agrees there are serious safety issues and that she will be on it first thing in the morning to get a resolution in the works.

Councilor McClure stated that she feels that the leverage is in the bond, not necessarily in this bill for open space.

Denise Nichols, 8 Quimby Ln., asked if there are some incentives for holding the bond for the builder.

Meredith Nichols stated that she thinks Denise was asking if there were tax rebates or tax credits due to the builder for the transfer of this open space parcel to the city of Amesbury.

Councilor Lavoie stated it is a requirement of the bond.

Councilor Scorzoni stated that it is tax credit eligible but it has nothing to do with us; it is state or federal. It has nothing to do with Amesbury.

Ms. Nichols stated that if this was delayed and the parcel was not transferred then the developer would not be able to declare this their federal tax return; so there is a two-fold incentive that we see as monetary; 1). Non release of the bond and 2). Potential tax credit for this year's filing.

Councilor Ferguson asked if the builder was present.

Russell Coulliard, Seabrook, NH spoke on his behalf. He stated that as far as the tax credits that is a totally personal issue and should remain private. He stated he has been working very hard the last two months knowing the pavement was going down to get this done before the winter so they could wait the one winter not 1 year and get it approved in March or so. The project is 100% complete. He stated that he sought out Rob Desmarais, Nipun Jain and Joe Fahey and talked about his voluntarily donating money to a fund so that perhaps they could come before the City Council and get you to agree to use that money should there be a problem in the spring time.

Councilor Ferguson asked if he can assure there will be plowing this year.

Mr. Coulliard stated that he does plow and those pictures were from a storm where we got 20" of snow in 8 hours. Nobody got plowed right away.

Councilor Gilday asked about the trash pickup.

Mr. Coulliard stated that was never part of the deal and he is not responsible for it. He stated that he believes he and Mr. Desmarais have worked out a way which is not finalized yet where they don't have to technically accept the street so that this could be done in two weeks. There is money in an account in the hopes that will happen.

Councilor Ferguson closed the public hearing.

Councilor Lavoie moved the Finance and Ordinance Committee recommendations to approve the grant of the Quitclaim Deed to the Conservation Commission from Albert

Couillard and Roland A. Couillard for Parcel B located off Quimby Lane, Amesbury and to authorize the Mayor to accept said gift of property. Councilor Neale seconded.
Roll Call Vote - 8 Yes, Scorzoni, Gilday, Kelcourse, Kimball, Lavoie, McMilleon, Neale, Ferguson, 1-No, McClure

2013-096 An Order to accept a sub grant in the amount of \$100,000 from the Merrimack Valley Planning Commission Regional Brownfields Cleanup Revolving Loan Fund Program - Mayor Kezer sponsor

Summary: The City of Amesbury has been awarded a non-matching sub grant in the amount of \$100,000 from the Merrimack Valley Planning Commission Regional Brownfields Cleanup Revolving Loan Fund Program to support the Amesbury Heritage Park environmental remediation project

Councilor Ferguson read the bill into the record.

Councilor Neale read the Finance Committee recommendation which was unanimously to approve.

Councilor Lavoie read the Ordinance Committee recommendation which was unanimously to approve.

Councilor Ferguson opened the public hearing.

Jane Snow, 44 Fern Ave, stated she was concerned that the project will come to fruition in time. We don't have definite costs of the cleanup, we still don't have a design or have all the money.

Richard Bartley, property owner in Lower Millyard, stated that he hopes that the project will continue to move forward. He respectfully requests the city to accept the grant.

Joe Fahey, Director of Community and Economic Development stated that Ms. Snow had some valid points regarding permitting but the local permits have been received. As far as the Chapter 91 permit, that portion of the project has been incorporated into the Riverwalk and that will be dealt with as we go through that permitting process which we are going through at this time. We are currently going out to bids for the cleanup of the properties. They are due in November and a construction period will be established from December thru March and then it is our expectation that we will have in the late winter the bids back for the park itself. With a June 30 deadline we will look at a March, April, May and portion of June construction period for the park itself. We will absolutely have the definitive costs by November when the bids come in. The Design is not final. We have the final conceptual design and BHP has to finalize the specifications but at this point in time they don't have a design to go out to bid on.

Mr. Higgins has presented the additional information that was requested from DEP about a week ago and will be out there Friday or Monday to take the samples that they requested.

Councilor Ferguson closed the public hearing.

Councilor Lavoie reviewed that this is a grant that is a non-matching grant for \$100,000 and is coming from something called the revolving loan fund that Merrimack Valley Planning Commission administers. This is only to accept the grant and there are no conditions on borrowing money even though we qualify.

Councilor Neale moved to accept a sub-grant in the amount of \$100,000 from the Merrimack Valley Planning Commission Regional Brownfields Cleanup Revolving Loan Fund Program. Councilor Kelcourse seconded. Roll Call Vote - 9 Yes, Scorzoni, Gilday, Kelcourse, Kimball, Lavoie, McClure, McMilleon, Neale, Ferguson.

2013-097 An Order that the City Council Authorize the Mayor to enter into an inter-municipal agreement for the acceptance of veteran's services from the City of Newburyport
Summary: This order will authorize the Mayor to enter into an inter municipal agreement pursuant to the provisions of G.L. c.40, sec 4A for the provision of veterans' services, with the City of Newburyport acting as lead community and the Town of Salisbury, The Town of Merrimac and the Town of Newbury also as parties thereto.

Councilor Ferguson opened the public hearing.

Kevin Hunt, Veterans Agent stated that he feels regionalization works. The plan is to get part-time help, but Amesbury Veterans are being served definitively. He stated that he does have flexible hours and is in Amesbury on Tuesday and Wednesday and Thursday afternoon.

Councilor McClure asked if we had received any answers to the question about the legislature and the ability for two cities to be within this one group.

Councilor Ferguson stated that we have not heard anything yet and there has been a request to table this until we get the specifics. She stated that she wanted the public to know that Amesbury does have a Veterans Agent and will continue to have a Veterans Agent whether we accept this or not.

These will ultimately be tabled until the information is received.

Councilor Ferguson closed the public hearing.

Councilor Gilday moved to table this to the next City Council meeting.

Councilor Lavoie seconded and it was voted Unanimous

2013-098 An Order relative to Legislation creating a new Regional Veterans' Services' District to include the City of Amesbury, the City of Newburyport, the Town of Salisbury, the Town of Newbury.

Summary: This order will authorize the Mayor to submit a Petition to the General Court of the Commonwealth of Massachusetts to enact an Act creating a new regional veterans' services district including the City of Amesbury and one or more of its neighboring

communities, which may include the City of Newburyport, the Town of Salisbury, the Town of Merrimac and the Town of Newbury

Councilor Gilday moved to table this to the next City Council meeting.

Councilor Lavoie seconded and it was voted Unanimous.

Councilor Ferguson stated that Councilor Scorzoni had filed a late file and would entertain a motion to accept the late file.

Councilor Kelcourse moved to accept the late file and Councilor Neale seconded and it was voted Unanimous.

11. First Readings – Late File

2013-111 Amesbury City Council Resolution to create a state authorized Cultural District for the Upper and Lower Millyard Districts in Amesbury.

Summary: The Massachusetts Cultural District Initiative was authorized by the Massachusetts legislature in 2010 and was launched in April 2011. The designation, which is determined by the Massachusetts Cultural Council (MCC), would establish both the Upper and Lower Millyard Districts in Amesbury as a cultural district, featuring a concentration of cultural activities, artistic, and economic activity. Upon the designation, the MCC will provide a framework for how to assemble a public and private partnership, how to develop district goals, how to map the relevant assets within the district, how to identify public resources and planning tools that complement the district and practices for marketing the district.

Councilor Scorzoni presented this bill with a packet of information. He stated that this opportunity has come up to brand what we are doing in these locations that will really pay dividends for the city. He stated that the requirements basically state that the city should express their interest through a resolution in order to move forward. They ask for a properly notified public meeting to make this happen as well and that the city partner with key non-profits and other players in a geographically defined area to foster all kinds of activities. The goal is to promote tourism, economic development and preserve historic and open space. We would submit the application to the Mass. Cultural Commission. The Chamber of Commerce has expressed their interest in championing this, pulling all the resources together and submitting the application and hopefully get the approved designation.

Melissa LaChance, Director of Chamber of Commerce stated that she has had discussions with Christian and numerous discussions with Rep. Michael Costello's office on the importance of getting the Cultural District initiative in Amesbury. We have met on the board level and anything that we can do to help with this they will.

Councilor Kelcourse moved to approve the Resolution to Create A State-Authorized Cultural District for the Upper and Lower Millyard Districts in Amesbury as submitted. Councilor Scorzoni seconded. Voted Unanimously 9 - Yes.

12. Adjourn

Councilor Neale moved to adjourn at 9:05 p.m., Councilor McMilleon seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning
Assistant City Clerk